

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

BRAD LUND,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
DIVERSIFIED ADJUSTMENT)	
SERVICE, INC.)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

BRAD LUND (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against DIVERSIFIED ADJUSTMENT SERVICE, INC., (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Wisconsin, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing in Mount Horeb, Dane County, Wisconsin.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a corporation located in Minneapolis, Minnesota.
10. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

11. In February of 2011, Defendant began placing collection calls to Plaintiff seeking and demanding payment for a U.S. Cellular debt of \$1,200.00.
12. Defendant contacted Plaintiff from telephone number (800) 504-8612.
13. Defendant placed collection calls to Plaintiff usually four to five days per week.
14. Defendant regularly failed to identify itself as a debt collector or provide Plaintiff with the name of the company when calling Plaintiff.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt;
- b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without providing meaningful disclosure of the caller's identity.
- c. Defendant violated §1692e of the FDCPA by engaging in false, deceptive and misleading representations as a means to collect a debt.
- d. Defendant violated §1692e(10) of the FDCPA by using false and deceptive means to collect a debt.
- e. Defendant violated §1692e(11) of the FDCPA by placing telephone calls without providing the requisite warning, to wit: "This is an attempt to collect a debt. This communication is from a debt collector."

WHEREFORE, Plaintiff, BRAD LUND, respectfully requests judgment be entered against Defendant, DIVERSIFIED ADJUSTMENT SERVICE, INC. for the following:

16. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*, and
18. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

/s/ Michael S. Agruss
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, BRAD LUND, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF WISCONSIN

Plaintiff, BRAD LUND, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, BRAD LUND, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

5-19-2011

Date


BRAD LUND

VERIFIED COMPLAINT

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